

REMARKS

In an Office Action mailed on March 9, 2005, claims 7, 8 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hussain in view of Barron; claims 9 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hussain and Barron and further in view of Ceccherelli; claims 18, 21, 23 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hussain in view of Howard; claims 19 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hussain and Howard and further in view of Barron; claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hussain and Howard and further in view of alleged Applicant's Admission of Prior Art (herein called "AAPA"); claims 22 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hussain and Howard and further in view of Ceccherelli; and claims 1-3, 5, 6 and 13-17 were allowed. The remaining § 103 rejections are discussed below.

§ 103 Rejections of Claims 7-9, 11 and 12:

As amended, the mechanical switch of the computer system of claim 7 is associated with a signal that is indicative of whether the switch has been held in an off position for a predetermined delay. Furthermore, as amended, the circuit of claim 7, in response to the indication of the thermal event, controls the signal to power down the processor before the signal indicates that the switch has been held in the off position.

Contrary to the language of amended independent claim 7, the combination of references cited by the Examiner fails to teach or suggest powering down a processor before a signal that is associated with a mechanical switch indicates that the switch has been held in an off position for a predetermined delay and powering down power consuming components of the computer system in response to the signal. As such, the hypothetical combination of Hussain and Barron fails to teach or suggest the circuit of amended independent claim 7.

Claims 8, 9, 11 and 12 are patentable for at least the reason that these claims depend from an allowable independent claim. Thus, for at least the reasons that are set forth above, withdrawal of the § 103 rejections of claims 7-9, 11 and 12 is requested.

Rejections of Claims 18-22:

The method of independent claim 18 recites in response to the indication of a thermal event, powering down a processor before powering any other components of a computer system.

A *prima facie* case of obviousness based on the modification of a reference requires that the Examiner show where the prior art allegedly contains the suggestion or motivation to modify the reference to derive the claimed invention. In other words, the burden is on the Examiner to show why a skilled artisan, *without knowledge of the claimed invention*, would have modified Hussain's computer system in view of Howard to derive the claimed invention (*emphasis added*). However, the Examiner has failed to make this showing. In other words, the Examiner fails to establish why one skilled in the art would have modified Hussain's computer system in view of Howard's power management techniques to derive the claimed invention.

More specifically, as conceded by the Examiner, Hussain fails to teach or suggest a powering down sequence of other components relative to the processor in a computer system. Office Action, 6. However, Howard is directed to an entirely different problem, i.e., managing power in a computer system using power conservation modes. Thus, Howard's disclosure is generally directed to determining whether multiple processors are needed for processing and if not, the processors are powered down one at a time to conserve power. However, this powering down does not occur in response to a thermal event in a processor. Thus, it is logical from Howard in that a particular processor may be powered down before other circuitry of the computer system to conserve power because the processor typically is the largest power-consuming device in the computer. This reasoning, however, would not apply to modifying Hussain's system, because conserving power in the event of a thermal event of a processor would not be a concern in that the computer system is being shut down.

Thus, assuming, for purposes of argument, that a suggestion or motivation exists for the general combination of Hussain and Howard, this combination would merely produce a computer system that shuts down in response to a critical temperature occurrence and in the absence of such an occurrence, selectively powers down processors into power conservation states to conserve power. However, such an arrangement fails to teach or suggest the limitations of claim 18. As such, a *prima facie* case of obviousness has not been established for this claim.

Claims 19-22 are patentable for at least the reason that these claims depend from an allowable independent claim. Therefore, for at least the reasons that are set forth above, withdrawal of the § 103 rejections of claims 18-22 is requested.

§ 103 Rejections of Claims 23-26:

The computer system of independent claim 23 includes a circuit to interact with a power supply subsystem to, in response to the processor indicating the thermal event, power down the processor before powering down any other components of the computer system.

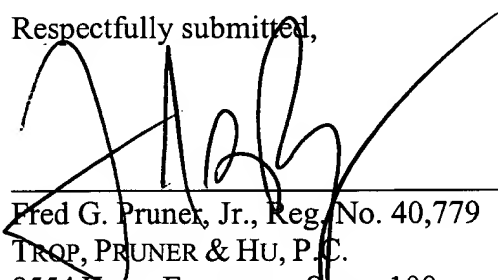
See discussion of independent claim 18 above. In particular, the Examiner fails to establish a *prima facie* case of obviousness for claim 23 for at least the reason that the Examiner fails to show any reasoning why one skilled in the art would apply Howard's power management scheme to Hussain's scheme for turning off a computer in response to a critical temperature of a processor. Thus, even assuming, for purposes of argument, that some motivation exists for the general combination of Hussain and Howard, the Examiner fails to show any reasoning or support why a skilled artisan, *without knowledge of the claimed invention*, would have modified Hussain in view of Howard to power down a processor first before powering any other components *in response to a thermal event (emphasis added)*.

Claims 24-26 are patentable for at least the reason that these claims depend from an allowable independent claim. Therefore, for at least the reasons that are set forth above, withdrawal of the § 103 rejections of claims 23-26 is requested.

CONCLUSION

In view of the foregoing, withdrawal of the § 103 rejections and a favorable action in the form of a Notice of Allowance are requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0645US).

Respectfully submitted,



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